

### **REMARKS**

This responds to the Office Action mailed on August 20, 2007.

Claim 4 has been canceled by way of this amendment. Claims 1 and 8 have been amended. No claims are added. Thus, claims 1-3, 5, and 7-12 are now pending.

For the convenience of the Examiner, Applicants' remarks concerning the claims will be presented in the same order in which the Examiner presented them in the Office Action.

### **Amendments to Claims 1 and 8**

Independent claims 1 and 8 have been amended. No new matter has been introduced.

Claim 1 has been amended by inserting the phrase "receiving a query at the master cellular telephone to determine current execution of the application", previously recited in claim 4.

Claim 8 has been amended to recite:

- enabling execution of a multi-player game application on a master cellular telephone by allocating a master license and at least one shareable license to the master cellular telephone; and
- enabling execution of the multi-player game application on a shareable device, by executing the application on the master cellular telephone and by allocating the shareable license to the shareable device, wherein the shareable device comprises a second cellular telephone;
- receiving a query at the master cellular telephone to determine current execution of the application; and
- terminating execution of the application on the shareable device after failing to receive a response verifying current execution of the application on the master cellular telephone.

Support for this language may be found, for example, at page 3, lines 1-20 of the original disclosure.

**Rejection Under 35 U.S.C. §112, Second Paragraph**

Claim 1 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

The Examiner stated that no request was previously made to verify execution of the application, so the limitation of “failing to receive a response” was unclear.

Accordingly, claim 1 has been amended by incorporating the phrase “receiving a query at the master cellular telephone to determine current execution of the application”, previously recited in claim 4.

For the above reasons, Applicants respectfully request that the rejection of claim 1 under 35 U.S.C. §112, second paragraph, be withdrawn.

**Rejection of Claims 1-3 and 7-10 under 35 U.S.C. §103(a)  
as Unpatentable over Simelius in view of Serafat**

Claims 1-3 and 7-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Simelius (U.S. 2005/0071278) in view of Serafat (U.S. 2006/0154710).

To establish a *prima facie* case of obviousness under 35 U.S.C. §103, the prior art reference (or references when combined) must teach or suggest every limitation of the claim. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA, 1974). MPEP §2143.

Neither Simelius nor Serafat disclose all of the limitations recited in independent claims 1 and 8.

For example, regarding claim 1, neither Simelius nor Serafat disclose *inter alia* enabling execution of a multi-player game application on a master cellular telephone by allocating a master license and at least one shareable license to the master cellular telephone; enabling execution of the multi-player game application on a shareable device, by executing the application on the master cellular telephone and by allocating the shareable license to the shareable device, wherein the shareable device comprises a second cellular telephone; receiving a query at the master cellular telephone to determine current execution of the application; and terminating execution of the application on the

shareable device after failing to receive a response verifying current execution of the application on the master cellular telephone [emphasis added].

In the Office Action at page 3, the Examiner states that:

Simelius does not expressly disclose a multi-player game application and terminating execution of the application on the shareable device after failing to receive a response verifying current execution of the application on the master cellular telephone. Serafat discloses multi-player game application and that the concept of terminating current execution of the application on a shareable device if the master is not executing the application is old and well known (see paragraph [0020]).

However, the paragraph in Serafat that the Examiner refers to fails to disclose the concept of terminating execution of the application on the shareable device after failing to receive a response verifying current execution of the application.

For the above reasons, independent claim 1 should be found to be allowable over Simelius and Serafat, and Applicants respectfully request that the rejection of claim 1 be withdrawn. Dependent claims 2, 3, and 7 should also be allowable for the reasons presented above.

Regarding independent claim 8, Applicants have amended claim 8 and continue to assert its patentability over the art of record, including Simelius and Serafat. As mentioned above, neither Simelius nor Serafat disclose all of the limitations recited in independent claim 8.

For the above reasons, independent claim 8 should be found to be allowable over Simelius and Serafat, and Applicants respectfully request that the rejection of claim 8 be withdrawn. Dependent claims 9 and 10 should also be allowable for the reasons presented above.

**Rejection of Claim 4 under 35 U.S.C. §103(a)  
as Unpatentable over Simelius in view of Serafat and further in view of Lopatic**

Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Simelius and Serafat, and further in view of Lopatic (U.S. 2002/0138441).

As mentioned above, claim 4 has been canceled

**Rejection of Claim 5 under 35 U.S.C. §103(a)**  
**as Unpatentable over Simelius in view of Serafat and further in view of Misra**

Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over Simelius and Serafat, and further in view of Misra et al. (U.S. 2005/0102240).

As indicated above, independent claim 1 is asserted to be allowable over Simelius and Serafat. Misra does not appear to disclose those elements missing from Simelius and Serafat.

Claim 5, which depends from claim 1, and incorporates all of the limitations therein, is thus asserted to be allowable for the reasons presented above.

**Rejection of Claim 11 under 35 U.S.C. §103(a)**  
**as Unpatentable over Simelius in view of Serafat and further in view of Aldis**

Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over Simelius and Serafat, and further in view of Aldis et al. (U.S. 2004/0039916).

As indicated above, independent claim 8, as amended, is asserted to be allowable over Simelius and Serafat. Aldis does not appear to disclose those elements missing from Simelius and Serafat.

Claim 11, which depends from claim 8, and incorporates all of the limitations therein, is thus asserted to be allowable for the reasons presented above.

**Rejection of Claim 12 under 35 U.S.C. §103(a)**  
**as Unpatentable over Simelius in view of Serafat and further in view of Lopatic**

Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over Simelius and Serafat, and further in view of Lopatic.

As indicated above, independent claim 8, as amended, is asserted to be allowable over Simelius and Serafat. Lopatic does not appear to disclose those elements missing from Simelius and Serafat.

Claim 12, which depends from claim 8, and incorporates all of the limitations therein, is thus asserted to be allowable for the reasons presented above.

### **Additional Elements and Limitations**

Applicants consider additional elements and limitations of the claims to further distinguish over the cited references, and Applicants reserve the right to present arguments to this effect at a later date.

### **Conclusion**

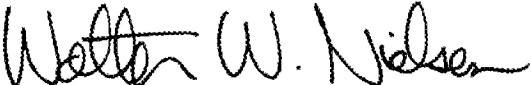
Applicants respectfully submit that claims 1-3, 5, and 7-12 are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney, Ann M. McCrackin (located in Minneapolis, Minnesota) at (612) 349-9592 or Applicants' below-signed attorney (located in Phoenix, Arizona) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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